

Newstead Town Board Meeting- August 26, 2019

The Board entered executive session at 6:15pm to discuss contractual issues and property purchase negotiations issues on a motion from Councilman Jendrowski, seconded by Councilman Burke.

Carried

The Board exited executive session on a motion by Councilman Burke, seconded by Councilman Dugan at 6:49pm, having taken no action.

Carried

A public hearing was called to order by the Newstead Town Board on Monday, August 26, 2019 at 7:03pm at the Newstead Town Hall.

Present: David Cummings- Supervisor
John Jendrowski- Councilman
Edmund Burke- Councilman
Joseph Dugan- Councilman
Brendan Neill- Town Attorney
Emily Janicz- Assistant Town Attorney
Scott Rybarczyk- Town Engineer
Dawn Izydorczak- Town Clerk

Roll Call was taken with all board members present except Councilwoman Morlacci.

Supervisor Cummings called the **public hearing** to order on the proposed site plan & Special Use Permit to operate Dealer's Choice at 11520 Main Rd.

The Clerk read proof of publication. Supervisor Cummings stated this project has been recommended by the Planning Board for approval and Erie County Planning had no comment on the project. No engineering review was required.

Comments:

A comment in writing was received from Sue Fay Allen, owner of 11538 Main Rd, expressing her concerns about the requested Special use permit for 11520 Main Rd. She requests that 2 requirements be added to the permit approval if passed. 1. A line of sight limiting and sound absorbing dense tall evergreen trees be planted along the east and front south line of the property east of the roadway. 2. That some vehicle calming speed bumps be added to the eastern roadway to slow traffic thus reducing noise and dust upwind of the eastern neighbors. She also requested advance written notification of annual permit renewal meetings for this property.

Larry Fels of Dealer's Choice stated his entrance is on Main St not on the side access road referred to. There will be no service, only sales of cars. The dirt road is rented to others at the back of the property and have no bearing on what his operation will be.

Sue Fay Allen asked if she can then talk to the town Code Officer regarding what is going on in the back of the lot. Supervisor Cummings stated he went out and looked at the property prior to the hearing tonight and yes, those issues will be brought to the Code Enforcement Officers attention.

There being no further comments, a motion was made by Councilman Dugan, seconded by Councilman Burke to close the public hearing at 7:11pm.

Carried

The **regular meeting** of the Newstead Town Board was called to order at 7:12 pm with the same members present as listed above.

Councilman Dugan led the pledge to the flag.

Minutes from the regular meeting held on August 12, 2019 were presented for approval. A motion was made by Councilman Dugan, seconded by Councilman Jendrowski to approve as presented.

Carried

Agenda Changes – a motion was made by Councilman Dugan, seconded by Councilman Jendrowski to make the following agenda changes: remove resolution regarding phone system and add a resolution for public hearing on CDBG grant
Carried

Communications – The Clerk presented the following correspondence:

Notifications were received from Charter Communications notifying the town of upcoming changes to their programming.

A notice was received from Erie County Department of Environment & Planning regarding the annual Agricultural District enrollment period which will run from September 1st-30th. Applications for inclusion or exclusion from the district are available at the Clerk’s office and on the town website.

A motion was made by Councilman Dugan, seconded by Councilman Burke to accept and file the presented correspondence.
Carried

Work Session: The Supervisor reported that at the last work session the following items were discussed: meetings with department heads for the 2020 budget, water & sewer project updates, planning item updates, building issues updates, grant updates, highway concerns, contracts, property purchases, 2020 budget, gas well inquiry, Boy Scout GaGa pit project, plus any other items brought before the Board. Executives session were held to discuss upcoming contracts and property purchase negotiations.

Agenda Items Question Period: no one spoke

Budget transfers: none

Approval of Bills – Councilman Jendrowski reported that the Abstract(s) from Batch(es) #1956 & 1959 have been reviewed with the previously un-audited vouchers and everything was found in order. He presented Abstract Batch(es) #1962 for payment. Vouchers on this abstract(s) numbered from 881-913, totaling \$73,107.42. Councilman Burke seconded to approve payment as follows:

Abstract Batch(es) #1962:
General Fund (A) -\$10,399.98, General Fund- Outside Village (B) \$269.00, Highway (DA) -\$0, Highway: Outside Village (DB) \$5,309.53, CAP- Trail Grant (HTG)- \$42,083.12, CAP-Generator (HTI)-\$0, CAP-Water-Scotland (HS)- \$471.78, CAP- Water Improvement (HW)- \$2,142.65, CAP Water-Downey (HW01)- \$275.20, CAP- Water- Cedar (HW02)- \$255.55, CAP- Water-Knapp- (HW03) \$11,731.83, Drainage (SD)- \$0, Fire Protection (SF) \$0, Refuse (SR) \$0, Sewer #1 Fund (SS) \$28.34, Sewer District #2 (SS02)- \$67.84, Sewer District #3 (SS03)- \$1.74, Trust & Agency(TA)- \$0 and Water Districts: Consolidated (SW00) \$70.86, (SW1) \$0, (SW2) \$0, (SW3) \$0, (SW4) \$0, (SW5) \$0, (SW6) \$0, (SW7) \$0, (SW7A) \$0, (SW8) \$0, (SW9) \$0, (SW10) \$0;
Total:\$73,107.42
Carried

COMMITTEE AND DEPARTMENT HEAD REPORTS:

Highway – not present. No report.

Assessor – Tina presented a report read by the Supervisor stating she is still in the process of viewing & valuing the vacant land and agricultural properties. She is on track to have this portion completed by the first week of September and then she will begin the residential portion of the reassessment project. Julie has prepared and mailed the agricultural, senior and disability exemption renewals and they are already starting to come back in. They have provided notification that Tuesdays & Wednesday mornings they will be out of the office doing field work. She presented the Board with the sales data for July.

Building Office – the following building report was presented by Christine Falkowski of the Planning & Building Department:

Cheektowaga CFCU	5715 Barnum	Roof
Kelly Schultz	11167 Main	Special Event/Operating
Dominic Buonanno	13035 Main	Zoning Compliance
US Bank Trust	11405 Tonawanda Creek	Demolition
Arrowhead Timberlodge	12292 Clarence Ctr	Zoning Compliance
Mark Gee	4673 Ayers	Patio Roof
CMK Builders of Alden	4959 S Newstead	One Family Home
Mike Russ	4725 Ayers	Inground Pool w/barrier
Arrowhead Timberlodge	12292 Clarence Ctr	Special Event/fireworks
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The Town Board accepted the building report as presented.

Town Clerk- nothing at this time

Town Attorney – nothing at this time

COUNCILPERSONS:

Jendrowski- he met with Councilman Dugan, Louis Henley & John Wideman to have preliminary talks regarding the fire contract. He attended Ed Rath's hot dog roast fundraiser for the Newstead Library, which had a big turnout. He attended the ZBA hearing last Thursday and commended the Code Enforcement Officer and the ZBA members for their professionalism.

Dugan – he attended the preliminary fire contracts meeting with Councilman Jendrowski and the Chief and President of Newstead Fire Co. He also attended the hot dog roast for the library and addressed an email he received from the Akron Fire Co Chief regarding the defibrillator at Veteran's Park. We are attempting to resolve that issue as soon as possible.

Burke – he attended a meeting with Supervisor Cummings and the teamsters representatives on the upcoming labor contract. He attended the hot dog roast at the library, which was very well done. He also stopped at Veteran's Park to look at the defibrillator box to better understand what is happening there.

Morlacci- not present

Supervisor- he worked on several current & potential grant items, had a meeting on the union contract and met with the Bookkeeper on the 2020 budget and is asking some of the departments to come in to meet with the Board regarding their budget requests.

UNFINISHED BUSINESS:

Buildings- the Denio upstairs painting is done.

Planning- work is continuing on the scout project location planning at the park and the Limerick Hall plan is still being discussed.

Water/Sewer- the bid docs will be ready for the next meeting for the ADESA Sewer District 1 pump station revitalization project and the water model and pressure plan are with Erie Co. Dept. of Health awaiting approval to move forward.

Grants- CDBG public hearing will be addressed tonight and the village has agreed to go in jointly on the trailway's signage.

NEW BUSINESS:

Public Hearing- SUP/Home Based Business – 7429 Sandhill Rd:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the calling of a public hearing on the proposed special use permit for a home based business to be located at 7429 Sandhill Rd owned by Glenn Buckley to be known as Pet Rescue Rx, with the public hearing to be held September 9th at 6:55pm at the Town Hall and authorizing the Clerk to publish notice of hearing in the Akron Bugle.

(Resolution Attached) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Morlacci-Absent
Carried

Public Hearing- Site Plan – 12600 Clarence Center Rd:

A motion was made by Councilman Burke, seconded by Councilman Jendrowski approving the calling of a public hearing on the proposed site plan for a 7,130 sq ft addition at 12600 Clarence Center Rd owned by Niagara Specialty Metals, with the public hearing to be held September 9th at 6:50pm at the Town Hall and authorizing the Clerk to publish notice of hearing in the Akron Bugle.

(Resolution Attached) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Morlacci-Absent
Carried

Approval- Site Plan & SUP – 11520 Main Rd:

A motion was made by Councilman Jendrowski, seconded by Councilman Dugan approving the proposed site plan and special use permit for a auto sales business to be located at 11520 Main Rd owned by KJP 11520 Main St, LLC and to be operated by Larry Fels as Dealer’s Choice Auto Sales, subject to the terms set forth in the resolution.

(Resolution Attached) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Morlacci-Absent
Carried

Public Hearing- CDBG Funding Projects 2020:

A motion was made by Councilman Dugan, seconded by Councilman Burke approving the calling of a public hearing on the proposed uses for Community Development Block Grant funds for the 2020 cycle, with the public hearing to be held September 9th at 6:45pm at the Town Hall and authorizing the Clerk to publish notice of hearing in the Akron Bugle.

(Resolution Attached) Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Morlacci-Absent
Carried

Approval– Lateral Restriction Hardship Application – 4825 Ayers Rd:

A motion was made by Councilman Dugan, seconded by Councilman Jendrowski approving the request for a Lateral Restriction Hardship Exception within Water District #5 for 4825 Ayers Rd owned by Fix family, based on supporting documentation submitted.

Cummings-Aye, Dugan-Aye, Burke-Aye, Jendrowski-Aye, Morlacci-Absent Carried

Privilege of the Floor/Question Period: Sandra Jonas of Clarence, owner of 11450 & 11470 Main Rd, spoke regarding the property that used to house Stainless Steel Brakes. The company after almost 40 years left the facility and she is currently looking for a new tenant for the building. She was hoping the Board could point her in the direction of someone she could talk to regarding relief programs for her property. Supervisor Cummings suggested she start by speaking with the Assessor Tina McQuillen.

There being no further business to come before the board for the regular meeting a motion was made by Councilman Dugan, seconded by Councilman Burke to adjourn the regular meeting at 7:38pm.

Carried

Respectfully Submitted,
Dawn D. Izydorczak, RMC, Town Clerk